

House File 274 - Introduced

HOUSE FILE _____
BY D. OLSON, T. OLSON, T. TAYLOR,
PETERSEN, OLDSO, SHOMSHOR,
BUKTA, WHITAKER, MURPHY,
H. MILLER, THEDE, HEDDENS,
KRESSIG, MAREK, MASCHER,
SWAIM, BERRY, COHOON,
ZIRKELBACH, GASKILL, FREVERT,
LYKAM, WHITEAD, WINCKLER,
HUNTER, KUHN, STECKMAN,
WESSEL=KROESCHELL, LENSING,
BEARD, FORD, KEARNS, and FICKEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to absentee ballots delivered to applicants who
2 are patients or residents of hospitals or health care
3 facilities.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1372YH 83
6 sc/nh/8

PAG LIN

1 1 Section 1. Section 53.8, subsection 3, Code 2009, is
1 2 amended to read as follows:
1 3 3. a. When an application for an absentee ballot is
1 4 received by the commissioner of any county from a registered
1 5 voter who is a patient in a hospital in that county or a
1 6 resident of any facility in that county shown to be a health
1 7 care facility by the list of licenses provided the
1 8 commissioner under section 135C.29, the absentee ballot shall
1 9 be delivered to the voter and returned to the commissioner in
1 10 the manner prescribed by section 53.22. ~~However, if~~
1 11 ~~b. (1) If the application is received more than five days~~
1 12 ~~before the ballots are printed and the commissioner has not~~
1 13 ~~electd to mail absentee ballots to applicants as provided~~
1 14 ~~under section 53.22, subsection 3, the commissioner shall mail~~
1 15 ~~to the applicant within twenty-four hours a letter in~~
1 16 ~~substantially the following form:~~
1 17 ~~Your application for an absentee ballot for the election to~~
1 18 ~~be held on has been received. This~~
1 19 ~~ballot will be personally delivered to you by a bipartisan~~
1 20 ~~team sometime during the five days after the ballots are~~
1 21 ~~printed. If you will not be at the address from which your~~
1 22 ~~application was sent during any or all of the five-day period~~
1 23 ~~immediately following the printing of the ballots, the ballot~~
1 24 ~~will be personally delivered to you sometime during the ten~~
1 25 ~~days preceding the election. If you will not be at the~~
1 26 ~~address from which your application was sent during either of~~
1 27 ~~these time periods, contact this office and arrangements will~~
1 28 ~~be made to have your absentee ballot delivered at a time when~~
1 29 ~~you will be present at that address.~~
1 30 ~~(2) If the application is received more than ten calendar~~
1 31 ~~days before the election, and after the first delivery of~~
1 32 ~~ballots during the five days after the ballots are printed,~~
1 33 ~~and the commissioner has not electd to mail absentee ballots~~
1 34 ~~to the applicant applicants as provided under section 53.22,~~
1 35 ~~subsection 3, the commissioner shall mail to the applicant~~
2 1 ~~within twenty-four hours a letter in substantially the~~
2 2 ~~following form:~~
2 3 ~~Your application for an absentee ballot for the election to~~
2 4 ~~be held on has been received. This~~
2 5 ~~ballot will be personally delivered to you by a bipartisan~~
2 6 ~~team sometime during the ten days preceding the election. If~~
2 7 ~~you will not be at the address from which your application was~~
2 8 ~~sent during any or all of the ten-day period immediately~~
2 9 ~~preceding the election, contact this office and arrangements~~

2 10 will be made to have your absentee ballot delivered at a time
2 11 when you will be present at that address.
2 12 ~~b. c.~~ Nothing in this subsection nor in section 53.22
2 13 shall be construed to prohibit a registered voter who is a
2 14 hospital patient or resident of a health care facility, or who
2 15 anticipates entering a hospital or health care facility before
2 16 the date of a forthcoming election, from casting an absentee
2 17 ballot in the manner prescribed by section 53.10 or 53.11.

2 18 Sec. 2. Section 53.22, subsection 1, paragraph a,
2 19 subparagraph (1), Code 2009, is amended to read as follows:

2 20 (1) A registered voter who has applied for an absentee
2 21 ballot, in a manner other than that prescribed by section
2 22 53.10 or 53.11, and who is a resident or patient in a health
2 23 care facility or hospital located in the county to which the
2 24 application has been submitted shall be delivered the
2 25 appropriate absentee ballot by two special precinct election
2 26 officers, one of whom shall be a member of each of the
2 27 political parties referred to in section 49.13, who shall be
2 28 appointed by the commissioner from the election board panel
2 29 for the special precinct established by section 53.20. The
2 30 special precinct election officers shall be sworn in the
2 31 manner provided by section 49.75 for election board members,
2 32 shall receive compensation as provided in section 49.20, and
2 33 shall perform their duties during the five calendar days after
2 34 the ballots are printed, during the ten calendar days
2 35 preceding the election, and on election day if all ballots
3 1 requested under section 53.8, subsection 3, have not
3 2 previously been delivered and returned.

3 3 Sec. 3. Section 53.22, subsection 1, paragraph b, Code
3 4 2009, is amended to read as follows:

3 5 b. If an applicant under this subsection notifies the
3 6 commissioner that the applicant will not be available at the
3 7 health care facility or hospital address at any time during
3 8 the five-day period after the ballots are printed or during
3 9 the ten-day period immediately prior to the election, but will
3 10 be available there at some ~~earlier other time prior to the~~
3 11 election or on election day, the commissioner shall direct the
3 12 two special precinct election officers to deliver the
3 13 applicant's ballot at an appropriate time ~~prior to the ten-day~~
3 14 ~~period immediately preceding the election or on election day~~.
3 15 If a person who so requested an absentee ballot has been
3 16 dismissed from the health care facility or hospital, the
3 17 special precinct election officers may take the ballot to the
3 18 voter if the voter is currently residing in the county.

3 19 EXPLANATION

3 20 This bill makes changes relating to delivery of absentee
3 21 ballots to applicants who are patients or residents of
3 22 hospitals or health care facilities.

3 23 Under current law, an absentee ballot applied for by a
3 24 patient or resident of a hospital or health care facility is
3 25 to be personally delivered sometime during the 10 days
3 26 preceding the election, or on election day in some
3 27 circumstances. This bill provides that, in addition to that
3 28 delivery, absentee ballots applied for by patients or
3 29 residents of a hospital or health care facility shall also be
3 30 delivered within five days after the ballots have been
3 31 printed.

3 32 LSB 1372YH 83

3 33 sc/nh/8